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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,996	07/13/2001	Fredrik Liden	50364-04USPX	2696

27045 7590 02/14/2005

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EXAMINER	
SEDIGHIAN, REZA	

ART UNIT	PAPER NUMBER
2633	

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/762,996	LIDEN ET AL.	
	Examiner	Art Unit	
	M. R. Sedighian	2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/13/2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Reference numeral "60" is not shown in fig. 2.

Correction is required for further informalities.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specification does not clearly describe about a channel center value MCDn of the parameter of wavelength selective element at which the output power is maximum. Specification describes (Page 11, lines 24-26) output power level of each channel is measured and compared with initial power level to determine whether it has dropped by 0.5 dB. Furthermore, specification describes (Page 10, lines 28-36) about calculation of an initial variance IVn for each channel, wherein the initial variance value IVn for each channel is obtained using procedure A shown in fig. 4, and which is IVn or MCDn = (DHn+DLn)/2. Specification further describes (Page 13, lines 25-28) about a step 503 (for channel i = 1 to n compare IVn with MCDn) in which for each channel the initial variance IVn is compared with the determined mean value MCDn. It is not clear how the value IVn is compared with MCDn in step 503, wherein at step 409, IVn or MCDn are equal or of the same value.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 9, 16, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 9, it recites the limitation "the optical transmission sources" in line 4. There is insufficient antecedent basis for this limitation in the claim.

As to claim 16, it recites the limitation "said regulator" in line 17. There is insufficient antecedent basis for this limitation in the claim.

As to claim 20, it recites the limitation "said at least one control signal" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kubota Oichi (Patent Abstracts of Japan 09-093223).

Regarding claims 1 and 16, as it is understood in view of the above 112 problem, Kubota Oichi teaches a method for controlling (16, fig. 5) the wavelength of channels ($\lambda 1$, $\lambda 2$) launched by optical transmission means (17, fig. 5) and received by at least one wavelength selective element (18, fig. 5) in an optical WDM link (see abstract), the method including: noting a

starting value (Vup, see abstract) of a wavelength influencing parameter of the wavelength selective element (18, 20, fig. 5), for each channel determining a channel center value (note that a mean voltage between VUP and VDOWN is calculated, and Vf11, Vf12) of the parameter of the wavelength selective element at which the output power of the channel is a maximum (see abstract), utilizing the channel center values (Vf11, Vf12) to determine a deviation between the launched wavelengths and wavelengths selected by the wavelength selective element (see abstract) to correct the wavelength deviation at wavelength selective element (18, 20, fig. 5). As to claim 16, Kubota Oichi further teaches a wavelength selective element (18, fig. 5) to receive a combined signal ($\lambda 1$, $\lambda 2$) and to separate the optical channels (see claim 1), monitoring means (21, 22, fig. 5) for detecting optical signals output from the wavelength selective element (18, fig. 5), means for regulating (20, fig. 5) a wavelength influencing parameter associated with the wavelength selective element (18, fig. 5), control means (16, fig. 5) arranged to communicate with a regulator (20, fig. 5) adapted to determine a parameter value (Vf1, Vf2) for each channel ($\lambda 1$, $\lambda 2$) at which the output power is maximum and to determine a wavelength drift on the basis of the parameter values (see abstract) and to generate a control signal (20, fig. 5) for rectifying wavelength.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. R. Sedighian whose telephone number is (571) 272-3034. The examiner can normally be reached on M-F (from 9 AM to 5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. R. Sedighian

M. R. SEDIGHIAN
PRIMARY EXAMINER